

REMARKS

I. Status of Claims and Final Office Action Summary

Applicant proposes to amend claims 7, 9-11, 17, and 33 as set forth above. The proposed amendments find support in Applicant's specification at, for example, paragraph [0063] on page 14 and paragraph [0077] which bridges pages 19 and 20.

Claims 1-37 remain pending, with claims 7-19 and 33-37 remaining under current examination, and claims 1-6 and 20-32 being withdrawn from consideration. The Final Office Action¹ rejected claims 7-19 and 33-37² under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,133,901 ("Dalby"). Final Office Action at 3.

II. Response to Final Office Action

Applicant respectfully traverses the rejection of claims 7-19 and 33-37 under 35 U.S.C. § 102(e) as being anticipated by Dalby for at least the following reasons.

In order to properly anticipate Applicant's claims under 35 U.S.C. § 102, each and every element of the claim in issue must be "either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ...

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

² Claim 37 is not listed in the statement of rejection on page 3 of the Final Office Action, but is discussed on page 7 of the Final Office Action. Applicant therefore responds to the rejection of claims 7-19 and 33-37 in section II of this paper.

claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).” See M.P.E.P. § 2131.

Dalby does not disclose each and every element of Applicant’s independent claim 7, as proposed to be amended. For example, Dalby does not disclose, at least,

extracting from [a] message a characteristic identifying a first subgroup of selected participants in an enterprise, wherein the extracting comprises at least one of a keyword search, natural language parsing, or application of a rule-based expert system, the characteristic being hard-coded into a set of machine-readable instructions for segmenting communication recipients; [and]

extracting a specification of the characteristic, the specification delineating a second subgroup of participants within the first subgroup, and adding the specification to the set of machine-readable instructions,

as recited in the proposed amendment to claim 7. Instead, Dalby discloses that a “message module 324 can access [a] registry of potential recipients [of an announcement]” and that “message module 324 can access information regarding user attributes from [an] external repository 304.” Dalby, col. 13, lines 21-27. Dalby also discloses that “external repository 304 can contain information regarding potential recipients of the announcements.” Id., col. 13, lines 27-29.

With regard to the claimed “extracting,” the Final Office Action apparently refers to col. 12, line 57, through col. 13, line 34 of Dalby. Final Office Action at 4. This portion of Dalby discloses, among other things, that

[o]perators can be used to combine ... defined criteria to form [a] target criteria attribute. These operators can include, but are not limited to, Boolean operators, arithmetic operators, and the like. This target criteria attribute is subsequently used by message module 324 ... to dynamically identify the particular recipient(s) that match the criteria.

Dalby, col. 12, lines 57-65. Dalby also discloses that “[an] announcement includes a target criteria attribute that defines which recipient or groups of recipients are to receive the announcement.” Id., col. 12, lines 33-37.

Thus, Dalby’s target criteria attribute is used to identify particular recipients who are to receive a to-be-sent announcement. Dalby does not disclose extracting any kind of information from a message. Nor does Dalby disclose “extracting from [a] message a characteristic identifying a first subgroup of selected participants in an enterprise” or “extracting a specification of the characteristic,” as recited in the proposed amendment to claim 7.

For at least these reasons, Dalby does not disclose each and every element of, and cannot anticipate, independent claim 7, as proposed to be amended. Thus, independent claim 7, as proposed to be amended, is allowable over Dalby.

Independent claim 33 differs in scope from claim 7, but is proposed to be amended in a similar manner as claim 7. Thus, for at least the reasons set forth above with respect to claim 7, claim 33 is also be allowable over Dalby. Claims 8-19 and 34-37, which depend from claim 7 or claim 33, are also allowable. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

The Examiner may contact the undersigned with any questions or comments.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 18, 2010

By: /Brandon B. Crisp/
Brandon B. Crisp
Reg. No. 63,138
(571) 203-2768